

87 Nepperhan Ave
Room 212
Yonkers, NY 10701

CITY OF YONKERS
SIDEWALK CAFÉ
LICENSE APPLICATION

Phone: 914-377-3000
Fax: 914-377-6811
Website:
www.YonkersNY.gov

LICENSING FEES AND EXPIRATION DATE

Licenses shall be issued from April 1st to November 1st each year. There shall be no credit or prorated fee for a shorter term.

Fee and Renewal of each license is \$4.00 per square footage of public property.

Processing fee: \$50 made payable to the City of Yonkers. This payment will be applied to the license fee and is non-refundable.

INSTRUCTIONS FOR USING THIS FORM

Please Note: If the required supporting documents are not submitted with the application, it will result in the delay and/or denial of the application.

1. Application must be signed by the applicant before a Notary Public.
2. Provide two (2) passport-sized photographs taken within sixty (60) days of application date.
3. Provide a copy of a valid Driver's License issued by the Motor Vehicle Department. If you do not have a Driver's License, a copy of a Motor Vehicle issued ID Card is required.
4. Applicant must secure and maintain throughout the term of the license liability insurance issued by a company duly authorized to do business in the State of New York, insuring the licensee and the City of Yonkers and to hold them harmless from and against any claim, injury, or damage caused or alleged to be caused by or as a result of the construction, operation or use of the Sidewalk Café and any structure hereby authorized in the following minimum amounts:
 - i. For bodily injury including death, in (i.) the minimum amount of \$100,000 for any one (1) person and (ii.) the minimum amount of \$300,000 for any one (1) accident; and
 - ii. For property damage in the minimum amount of \$25,000. Failure to maintain insurance coverage in the foregoing amounts shall cause the immediate revocation of the license.
 - iii. The license to operate a Sidewalk Café shall be immediately revoked if the holder of such license fails to maintain the insurance coverage required pursuant to this subdivision of the section, except that such license may be reinstated if such holder presents proof satisfactory to the Director that the required insurance coverage is in full force and effect.
 - iv. Prior to the issuance of the license, there shall be an agreement executed by the owner and tenant to defend and save harmless the city, its officers and employees against any loss, liability or damages sustained by any person or to any property as a result of the operation of the café, together with a certificate of insurance issued both the owner and tenant as insured and naming the city, its officers, and employees as additional insureds, in the minimum amount of \$1,000,000 single-limit general liability coverage approved by the Corporation Counsel.
 - v. The City of Yonkers shall be informed at least 30 days prior to any cancellation or non renewal of Insurance.

Mike Spano, Mayor
Kerry O'Brien Hess, Director

5. Applicant whose establishment serves alcoholic beverages must submit a copy of their New York State Liquor license.
6. Must have a validated Certificate of Authority card from the New York State Department of Taxation, for sales tax collection. To obtain this information call 1-800-972-1233.
7. Must provide a copy of the Certificate of Occupancy for the establishment.
8. If applicant is a member of a partnership or sole proprietor of the business and it is located within the County of Westchester, a copy of the Business Certificate obtained from the County Clerk (995-2000) of Westchester County must be provided. If applicant is a corporation, copy of Certificate of Incorporation or filing receipt must be submitted.
9. A copy of the current permit issued for the existing establishment by the Westchester Health Department.
10. Must submit written, signed and notarized consent of the owner of the property in front of which a Sidewalk Café is to be operated.
11. One (1) original and two (2) copies of a plan drawing as pursuant to the provisions stated below under plan requirements on the following page.
12. Return all required documents to the Consumer Protection Bureau.
13. Notify this office IMMEDIATELY of any change(s) in the information supplied by you on this application.
14. No license will be issued unless there are proper decals displayed indicating the carting company used and that there are proper receptacles for garbage and recyclables available for the Sidewalk Café.
15. No license will be issued unless the occupancy capacity issued by the Fire Department is clearly displayed and that the establishment retains the same capacity as listed on the Certificate of Occupancy.
16. No license authorized in this article shall be issued or renewed unless the Department of Engineering inspects the premises and certifies that the premises complies with the codes of New York State and the City of Yonkers. There will be a review of the application by the Fire Department, Police Department and Code Enforcement Bureau.
17. In order to add more tables to an existing café, a licensee must file an amended application with appropriate diagrams and secure an amended license. Please note that the total occupancy must remain the same.
18. No license shall be assignable or transferable.



Sidewalk Café Hours

Unless otherwise granted by the Zoning Board, business hours are restricted to the following times:

10:00 a.m. until 10:00 p.m. Thursday & Sunday

10:00 a.m. until Midnight Friday & Saturday

In order to obtain a Sidewalk Café License, applicant must adhere and/or submit the following:

Plan Requirements.

- a. A plot plan, to scale, locating the site to be occupied by the Sidewalk Café; and a building section drawing showing the orientation of the Sidewalk Café to the adjacent buildings.
- b. Photographs keyed to the plans and showing one (1) frontal, one (1) left and one (1) right side view of the proposed sidewalk café.
- c. A floor plan diagram indicating the location of all tables and chairs; pedestrian and café areas; width and length of café area; total width and length of sidewalk area; fire escape drop ladder and all permanent street obstructions between café area and curb line, such as:
 - i. Bus Stops
 - ii. Fire Hydrants/standpipes
 - iii. Traffic Lights
 - iv. Telephone booths/kiosks
 - v. Mail boxes
 - vi. Lamp Posts
 - vii. Street Trees
 - viii. Benches
 - ix. All other legal street furniture
 - x. Cellar door (unless closed, locked, and reinforced)

Sidewalk Clearance Standards.

- A. Sidewalks fronting the entire property must be in good condition, without violations or illegal encroachments.
- B. No permanent structures may be affixed to the sidewalk area used for the café, and the area may only be occupied by chairs, tables, benches, umbrellas and planters for the convenience of the patrons. However, the sidewalk area used for the enclosed café must be marked off and the boundaries of the approved areas clearly delineated by railings, ropes, plants or similar enclosures.
- C. Sidewalk clearances must always be sufficient to ensure a pedestrian path free of obstructions. There must be a minimum clearance of four (4) feet from the curb to the sidewalk area used for the café.
- D. No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the Sidewalk Café on public property.
- E. Compliance with this subsection is to be determined by the application of the reasonable discretion of the Director.

Operations.

- A. No Sidewalk Café shall operate when the entity with which it is associated is not open to the public.
- B. The Sidewalk Café license and floor plan must be readily available at all times for inspections upon the request of any officer or employee of the City of Yonkers charged with enforcing this ordinance.
- C. Unless otherwise granted by the Zoning Board, the Sidewalk Café can be opened for business between the hours of 10:00 a.m. until 10:00p.m. Thursday and Sunday and 10:00 a.m. until Midnight Friday and Saturday.
- D. The fixtures and appurtenances of a Sidewalk Café shall be totally removed from and not obstruct the sidewalk during the period of the year when the Sidewalk Café ceases to operate actively and continually.
- E. Every licensee shall be held strictly accountable for the maintenance of good order in the Sidewalk Café and proper conduct of his or her patrons. No loud or unnecessary noises may emanate from the Sidewalk Café.
- F. No beer, alcoholic or spirituous liquors shall be served on the Sidewalk Café premises or at any table thereon, unless permitted under a license issued by the New York State Liquor Authority.
- G. At no time may the prices charged for food or drinks in the Sidewalk Café be higher than in any other portion of the establishment, nor may a special or additional charge be levied for seating in the Sidewalk Café.
- H. The drinking of alcoholic beverages by a member of the public while a patron on the Sidewalk Café within the confines of the Sidewalk Café area shall not be construed as a violation of any local law or ordinance prohibiting the consumption of alcoholic beverages in public place or area. However, there shall be no drinking or serving of alcoholic beverages at an unenclosed Sidewalk Café and any person who is in possession of an alcoholic container or beverage outside of the delineated boundary marking the approved Sidewalk Café area as described in Section 23-32 (B) shall be subject to all applicable state and local laws regarding the possession of such alcoholic beverages or containers.

Suspension or revocation of license.

Any license issued can be severed or revoked at anytime at the discretion of the Director of The Bureau of Consumer Protection, Department of Building and Housing and/or the Police Department.

Penalties for offenses.

Persons. Found guilty of a violation of this chapter shall be guilty of an enhanced Class II offense.

Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or state law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

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Sidewalk Café

Pursuant to the provisions of the Code of the City of Yonkers, I the undersigned respectfully petition for the below-listed license in the City of Yonkers, and for that purpose, I hereby provide the following answers to the questions contained herein.

Type of Ownership: ____ individual owner ____ partnership ____ corporation

Name of Owner: Social Security #:

Title (if any):

Address:

City: State: Zip:

Phone#: Cell#: E-mail#:

Date of Birth: Sex: Height: Hair Color: Eye Color:

Name of Establishment:

Address of Establishment:

Yonkers, NY Zip Code: Phone # of Establishment:

If a partnership: (use additional sheets, if necessary):

Name of partner: Social Security #:

Address:

Name of partner: Social Security #:

Address:

Name of partner: Social Security #:

Address:

License #: Date Issued:

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Kerry O'Brien Hess, Director

If it is a corporation, enter name of business or the DBA:
Are you a citizen of the United States?
If not, please provide a copy of your INS A Card and #
Have you ever been arrested or convicted of a crime?
If yes, explain:
Do you have another license with CPB? Please state type (i.e. cabaret, juke box, video game):

I, _____, being duly sworn, deposes and says that all of the answers in the foregoing application are true, and that the photographs attached hereto were taken within thirty (30) days of the date of this application.

Signature: _____ Date: _____

Print name: _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____, 20_____

NOTARY

Hold Harmless Clause

This "Hold Harmless Clause" must be signed by an officer of your organization, dated and witnessed.

The Vendor agrees to protect, defend, indemnify and hold the City of Yonkers, et al and its employees free and harmless from and against any and all losses, claims, liens, demands, and causes of action of every kind and character including, but not limited to the amount of judgments, penalties, interest, court cost, legal fees incurred by the City of Yonkers, et al arising in favor of any party, included in claims, liens, debts, personal injuries, including employees, of the City of Yonkers, et al, death or damages to property (including property of the City of Yonkers, et al) and without limitations by enumeration, all other claims or demands of every character occurring or in anyway incident to, in connection with or arising directly or indirectly out of the said agreement.

Witness

Dated

Signature

Dated

OFFICIAL USE ONLY

FOR POLICE DEPARTMENT USE

A search of the files in our Bureau of Criminal Identification was negative relative to subject. Subject's application is forwarded herewith:

Yonkers Police investigation report: I hereby recommend:

_____ approval _____ disapproval.

Signature of Police Commissioner: _____

Date: _____.

SID # _____

FOR FIRE DEPARTMENT USE

Fire Department investigation report: I hereby recommend:

_____ approval _____ disapproval.

Signature of Fire Commissioner: _____ Date: _____

Occupancy limit _____.

FOR HOUSING & BUILDING DEPARTMENT USE

Building & Housing investigation report: I hereby recommend:

_____ approval _____ disapproval.

Signature of Building and Housing Commissioner: _____

Date: _____.

Owner's Affidavit of Consent to Operate a Sidewalk Café

IN THE MATTER OF: _____,
(Name of Applicant)

APPLICANT FOR A LICENSE TO OPERATE A SIDEWALK CAFÉ AT:

STATE OF NEW YORK)
COUNTY OF _____) :SS

I, _____, being duly sworn depose
and say that:

_____ is the owner of the land
and improvement located at the address named above where the sidewalk café is to
operate. The deponent individually, as such owner, or on behalf of said corporation as
its duly authorized officer and managing agent, hereby consents that the applicant
named above may maintain a sidewalk café in front of said premises, until said con-
sent is terminated in writing and a copy of such termination is transmitted by certified
mail, return receipt requested, to the Consumer Protection Bureau.

Deponent warrants that he or she is authorized to make this affidavit and the state-
ments and representations contained herein.

(Signature)

SWORN TO BEFORE ME THIS

_____ DAY OF _____, 200_____

NOTARY